

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TYRONE GUINN,)	
)	
Petitioner,)	
)	
v.)	Civ. Action No. 06-468-*** (MPT)
)	
THOMAS CARROLL,)	
Warden, and JOSEPH R.)	
BIDEN, III, Attorney)	
General of the State of)	
Delaware,)	
)	
Respondents.)	

TYRONE GUINN,)	
)	
Petitioner,)	
)	
v.)	Civ. Action No. 07-625-***
)	
THOMAS CARROLL,)	
Warden, and JOSEPH R.)	
BIDEN, III, Attorney)	
General of the State of)	
Delaware,)	
)	
Respondents.)	

ORDER

Petitioner Tyrone Guinn filed two habeas petitions pursuant to 28 U.S.C. § 2254 as captioned above. Petitioner proceeds *pro se* in both cases.

The petitions in Civil Action Nos. 06-468-*** (MPT) and 07-625-*** raise similar challenges to the same 2005 conviction for assault in a detention facility. Federal Rule

of Civil Procedure 42 provides for consolidation “[w]hen actions involv[e] a common question of law or fact. . .to avoid unnecessary costs or delay.” Fed. R. Civ. P. 42(a). “District courts have the inherent authority to order consolidation *sua sponte*.” *Plimpton v. Cooper*, 141 F. Supp. 2d 573, 575 (W.D. N.C. 2001)(citing *Pickle v. Char Lee Seafood, Inc.*, 174 F.3d 444 (4th Cir. 1999)). Both petitions concern common questions of law and fact and are brought against the same respondents.

At Wilmington this ~~16~~ day of November, 2007, IT IS THEREFORE ORDERED that:

1. Civil Action Nos. 06-468-*** (MPT) and 07-625-*** are **CONSOLIDATED** for all purposes.

2. The caption of the Consolidated Action is as follows:

TYRONE GUINN,)	
)	
Petitioner,)	
)	CONSOLIDATED
v.)	Civil Action No. 06-468-*** (MPT)
)	Civil Action No. 07-625-*** (MPT)
)	
THOMAS CARROLL, Warden,)	
and JOSEPH R. BIDEN, III, Attorney)	
General of the State of)	
Delaware,)	
)	
Respondents.)	

3. The petition (D.I. 2) filed in Civil Action No. 06-468-*** (MPT), and the petition (D.I. 1) filed in Civil Action No. 07-625-***, together will stand as the petition in this Consolidated Action.

4. All documents previously filed to date in the cases consolidated herein are deemed filed and are part of the record in the Consolidated Action.

5. Hereafter, Court pleadings and documents shall be filed **only** in Civil Action No. 06-468-*** (MPT). The Court will not accept pleadings filed in Civil Action No. 07-625-***.



Honorable Mary Pat Thynge
U.S. Magistrate Judge